

Title:

Mr

Forename:**Surname:****Representing:**

Organisation

Organisation (if applicable):

Maritime and Coastguard Agency

Ofcom may publish a response summary:

Yes

Additional comments:

The Maritime and Coastguard Agency (MCA) is an agency of the Department for Transport. The MCA is the regulator for maritime industry and uses safety of life and safety-related radio services in the Global Maritime Distress and Safety System and to provide maritime rescue coordination. The maritime industry relies upon a variety of radio services both for safety and efficiency. Interference in those services may result in loss of life, damage to vessels, environmental pollution and other economic losses. It has been estimated that the value of shipping in UK waters in a 24hour period is in excess of £200Bn.

The Wireless Telegraphy Act enables regulation to protect against undue interference and specifically identifies safety of life services, but it is important that safety of life and safety-related services receive due priority over other considerations and all reasonable and timely protection.

We raise the following for consideration;

1. According to the explanation in the consultation document Section 3.28, safety of life services (Section 3.24 Condition 1) and others may be protected under the proposed regulation 5, but only if conditions in Regulation 4 are met.
2. Regulation 4 relies solely on the EMC directive; so there is an assumption that any test standards and methods applied to apparatus or appliances are full and complete and similarly the manufacturer's information for the user is equally complete. This seems optimistic and standards often fall out of date. We point to power line transceivers as a potentially difficult area for standards.
3. Regulation 6 appears to exclude action against R&TTE (Directive 1995/5/EC) equipment which may also suffer any of the failings in Regulation 4(c).
4. Is 'apparatus' intended to include complete installed systems and what is the difference between apparatus and appliance in this context?
5. Regulation 4(c) limits action and is perhaps incomplete; if the EMC directive changed it would also need amendment; it could be removed without any loss of ability to act.

6. This proposed regulation does not allow for action against the accumulative effect of multiple nearby but compliant apparatus.
7. The proposed regulation does not allow for action against nearby compliant mobile apparatus.
8. Are the proposed powers sufficient to ensure timely action?
9. The Radio Equipment Directive 2014/53/EU replaces the R&TTE Directive in June 2016.

Question 1: Do you agree that the Proposed Regulations correctly give effect to the policy proposals referred to, and to the other intentions set out, in this document?:

The explanation of the need for better regulation is good and the intent is supported; however we question whether the proposed regulations give sufficient protection to safety of life and other services. Therefore we do not agree with the Proposed Regulations.